United Nations S/2006/626

Security Council

Distr.: General
7 August 2006

Original: English

Letter dated 7 August 2006 from the Secretary-General addressed to the President of the Security Council

In the presidential statement (S/PRST/2006/35) adopted on 30 July 2006 the Security Council requested that I report to the Council within one week on the circumstances of the tragic incident that occurred in Qana earlier that day. This letter is submitted pursuant to that request.

On 4 August 2006, representatives of the Government of Lebanon, the League of Arab States and the Non-Aligned Movement called upon my Deputy, Mark Malloch Brown, to convey their request that a full investigation should be conducted in respect of the Qana incident.

It should be noted that a proper gathering of all relevant facts and their presentation in a comprehensive report cannot be completed in seven days, especially when the area in question is difficult to access because of ongoing hostilities. Furthermore, although personnel of the United Nations Interim Force in Lebanon (UNIFIL) went to Qana following the attack, no United Nations personnel were present at the scene when the attack occurred.

The following information is thus drawn from the official accounts sought from and provided by the Governments of Lebanon and Israel and from United Nations eyewitnesses who visited Qana in the aftermath of the attack, except where otherwise stated. Copies of the Secretariat's notes verbales to the Permanent Missions of Israel and Lebanon and the responses thereto are attached to the present letter (see annexes).

I would also like to draw to your attention the various reports that have already been issued by international and local non-governmental organizations in respect of the incident in Qana.

The situation in Qana prior to the attack

Qana is but one of numerous villages situated throughout southern Lebanon which have, since the onset of the current hostilities on 12 July 2006, suffered extensive bombing and shelling, resulting in, inter alia, the killings of civilians and the massive internal displacement of the civilian population.

In peacetime, Qana has approximately 12,000 inhabitants. They are mainly small farmers, shopkeepers and traders. Since hostilities began, Qana has been isolated because of the destruction of roads leading to it. Qana has not been in the UNIFIL area of operations since the reconfiguration of the mission in 2000. The

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nearest UNIFIL outpost is in Al-Hinniyah, approximately 20 kilometres away by road.

Qana is not a stranger to tragedy: 10 years ago, on 18 April 1996, more than 100 Lebanese civilians who had sought refuge in a UNIFIL compound located in Qana were killed as a result of shelling by the Israel Defense Forces (IDF).

Regarding the current incident, in the early morning of 30 July 2006, Qana was struck by missiles of the Israeli Air Force, causing civilian casualties and damage to buildings.

The following is excerpted from the attached note verbale provided by the Government of Israel:

> "Qana is the center of Hizbullah's regional headquarters. It contains extensive weapons stockpiles, serves as a haven from fleeing terrorists, and is the source of over 150 missiles launched into northern Israel. In Qana, Hizbullah, a terrorist organization, maintains a regional command centre which has been the planning site for numerous attacks against Israel.
>
> "Since the start of hostilities, Israelis in 150 population centers have faced unprecedented danger from a barrage of missiles and attacks emanating from areas such as Qana. Like other operations, the goal of the raid was to defend Israeli citizens.
>
> "Early on the morning of 30 July 2006, the Israeli Air Force attacked missile launch sites in the village of Qana. Prior to the operation, Israel publicly called on the residents to move away from the terrorists and flee from the areas where missiles are being launched. Leaflets were dropped from the air urging civilians to leave the village on account of their own safety, as Hizbullah routinely launches rockets in close proximity to residential buildings. For several days, radio announcements were also made to the public warning of a strike against Hizbullah. Israeli military activity in this area was determined on the assumption that residents had heeded the warnings and cleared out."

The following quotations are excerpted from the attached documents provided by the Government of Lebanon:

> "On July 30, the Israeli Air Force struck a three-storey building in the village of Qana where two extended families, the Shalhoubs and the Hashems, had sought shelter. According to the Mayor of Qana, the civilians had taken refuge there because the building had a reinforced basement. They were not able to flee the area because of destroyed roads and the ongoing Israeli attacks.
>
> "...
>
> "None of the bodies recovered showed that there were militants mingled among the civilians, and the rescuers found no weapons in the building that was struck."
>
> "In an investigation conducted by Lebanese military authorities, there was no indication that rockets were launched next to the building.
>
> "Surveillance drones frequently over fly the village and as a result Israeli forces must have known about the civilians."

The attack

At 0815 hours on 30 July 2006, the Lebanese authorities informed UNIFIL that a residential building in the village of Qana had been hit by Israeli air strikes leading to a number of civilian casualties. According to the Lebanese authorities, at approximately 0130 hours in the morning of 30 July 2006, a three-storey residential building with a basement in a residential area in the village of Qana, southern Lebanon, was struck by a missile or missiles launched by the Israeli Air Force. The building collapsed, killing and seriously injuring a number of persons.

The Lebanese authorities asked UNIFIL to secure from IDF security clearance and safe passage to QANA for the Lebanese rescue and medical teams, and to dispatch UNIFIL medical and engineering teams to assist in the search and rescue mission. UNIFIL immediately conveyed this request to the Northern Command of IDF through regular liaison channels.

UNIFIL was informed by the Lebanese Army that the Lebanese police, civil defence and Army had arrived at the scene at approximately 0700 hours, owing to difficulties in reaching the site because of the ongoing heavy aerial shelling. UNIFIL was further informed that the Lebanese Army, police and civil defence were unable to commence rescue operations until 0900 hours because of the ongoing aerial shelling. Accompanied by armoured personnel carriers for protection, two UNIFIL medical teams — each composed of one doctor, two nurses and an ambulance, and a bus for evacuation of the wounded accompanying the second medical team — were dispatched to Qana at 0945 hours. The teams arrived in Qana at 1015 hours and 1100 hours, respectively. At the time of their arrival, between 15 and 20 ambulances belonging to the Lebanese Red Cross, municipalities and hospitals were present at the scene.

On arrival, both UNIFIL medical teams joined the Lebanese Red Cross, Lebanese Army and other relief workers in the rescue operation. An unconfirmed number of bodies had, by this time, been recovered from the debris of the collapsed building and approximately eight survivors had been evacuated to the nearest hospital. UNIFIL medical teams assisted in the recovery of 17 additional dead bodies from the rubble, most of them of women and children. The UNIFIL medical teams left the scene at 1715 hours. UNIFIL reported that three additional buildings in the vicinity of the building that was struck were damaged and a number of vehicles on the street in front of those buildings were either damaged or destroyed.

Later in the day on 30 July 2006, at the request of the Lebanese authorities, UNIFIL dispatched a rescue and recovery team with an excavator, bulldozer and other engineering equipment to Qana. That team removed debris and facilitated a search of the wreckage of the building. After consultation with the Lebanese Army and the Lebanese Red Cross, the UNIFIL rescue and recovery team left the scene at 1930 hours.

The Government of Lebanon has reported that, thus far, 28 corpses have been found, including those of approximately 14 children. As recovery efforts have been suspended for the time being, it is possible that this figure may rise.

On 1 August 2006, UNIFIL armoured personnel carriers escorted a United Nations humanitarian convoy carrying food supplies, organized by the World Food Programme, from Tyre to Qana and back. UNIFIL reported that approximately 300 inhabitants remained in Qana.

UNIFIL is not in a position to confirm or deny whether Hizbollah was launching military activities from Qana in the days prior to or on 30 July.

The Government of Lebanon has stated that all 28 persons whose bodies have been recovered to date were civilians. According to many residents of Qana who were present at the time of the attack, and with whom UNIFIL personnel subsequently spoke, the building was used by civilians.

Relief workers, human rights defenders and international journalists who arrived in Qana after the attack on 30 July have stated that the survivors with whom they spoke said they had been unable to flee Qana because the village was blocked by craters and collapsed buildings, or had stayed behind because they were old, sick, or lacked money or fuel for transport.

Statement of the International Committee of the Red Cross

Attention is drawn to the statement of the International Committee of the Red Cross (ICRC), issued on 30 July:

> "The ICRC is alarmed by the increasing number of civilian casualties resulting from the ongoing armed conflict.
>
> "In today's military operations by the IDF against the village of Qana, a building sheltering civilians was directly hit. At the time of writing, the Lebanese Red Cross society and the Lebanese civil defence have extracted 28 bodies from the rubble, 19 of whom were children.
>
> "Issuing advance warning to the civilian population of impending attack in no way relieves a warring party of its obligations under the rules and principles of international humanitarian law. In particular, the principles of distinction and proportionality must be respected at all times.
>
> "19 days after the conflict began, the ICRC observes with great concern the continuous escalation of hostilities and deplores the recurring lack of respect for international humanitarian law by the warring parties.
>
> "The ICRC once again urgently calls for a distinction to be drawn at all times between civilians and civilian objects on one hand, and military objectives on the other. All necessary precautions must be taken to spare civilian life and objects and to ensure that the wounded have access to medical facilities."

Observations

I am gravely distressed by the tragic events in Qana and by the overall effect of this conflict on the civilian populations of Lebanon and Israel. According to official Lebanese and Israeli sources, as at 5 August 2006, after 25 days of conflict, more than 933 Lebanese civilians and 35 Israeli civilians have been killed. Approximately 915,000 Lebanese, amounting to one quarter of the country's total population and including more than 80 per cent of the population living south of the Litani River, have been displaced by the conflict, and the majority of them are now in need of assistance. Tens of thousands of Israelis have had to take refuge in air raid shelters; many more have moved away from northern Israel.

The attack on Qana should be seen in the broader context of what could, on the basis of preliminary information available to the United Nations, including eyewitness accounts, be a pattern of violations of international law, including international humanitarian law and international human rights law, committed during the course of the current hostilities. I have repeatedly condemned all actions that target civilians and I again call on all parties to the conflict to respect their obligations under international humanitarian law and, in particular, to take all necessary precautions to spare civilian life and property.

The effects of the current conflict on civilians in Lebanon and Israel rise to a level of seriousness that requires further gathering of information, including information on violations of international humanitarian law and international human rights law. Accordingly, I support the calls for a more comprehensive investigation.

I should be grateful if you would bring this matter urgently to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

Annex I

Note verbale dated 31 July 2006 from the Secretariat to the Permanent Mission of Israel to the United Nations

The Secretariat of the United Nations presents its compliments to the Permanent Mission of Israel to the United Nations and has the honour to refer to the following Presidential Statement of the Security Council (S/PRST/2006/35), adopted on 30 July 2006:

> "The Security Council expresses its extreme shock and distress at the shelling by the Israeli Defense Forces of a residential building in Qana, in southern Lebanon, which has caused the killing of dozens of civilians, mostly children, and injured many others. The Security Council sends its deepest condolences to the families of the victims and to the Lebanese people.
>
> "The Security Council strongly deplores this loss of innocent lives and the killing of civilians in the present conflict and requests the Secretary-General to report to it within one week on the circumstances of this tragic incident.
>
> "The Security Council expresses its concern at the threat of escalation of violence with further grave consequences for the humanitarian situation, calls for an end to violence, and underscores the urgency of securing a lasting, permanent and sustainable ceasefire.
>
> "The Security Council expresses again its utmost concern at the Lebanese and Israeli civilian casualties and human suffering, the widespread destruction of civilian infrastructure, and the increased number of internally displaced persons.
>
> "The Security Council urges all parties to grant immediate and unlimited access to humanitarian assistance.
>
> "The Security Council deplores any action against United Nations personnel and calls for full respect for the safety and security of all United Nations personnel and premises.
>
> "The Security Council affirms its determination to work without any further delay to adopt a resolution for a lasting settlement of the crisis, drawing on diplomatic efforts under way.
>
> "The Security Council remains seized of the matter."

Pursuant to the request of the Security Council that the Secretary-General report to it within one week, the Secretariat hereby submits an urgent request to the Permanent Mission of Israel to provide all relevant information on the incident no later than 3 August 2006. The Secretariat would further request that the Government of Israel extend its full cooperation to the representatives of the Secretary-General on the ground who will liaise with representatives of the Government of Israel and the Israel Defense Forces.

Annex II

Note verbale dated 31 July 2006 from the Secretariat to the Permanent Mission of Lebanon to the United Nations

The Secretariat of the United Nations presents its compliments to the Permanent Mission of Lebanon to the United Nations and has the honour to refer to the following Presidential Statement of the Security Council (S/PRST/2006/35), adopted on 30 July 2006:

"The Security Council expresses its extreme shock and distress at the shelling by the Israeli Defense Forces of a residential building in Qana, in southern Lebanon, which has caused the killing of dozens of civilians, mostly children, and injured many others. The Security Council sends its deepest condolences to the families of the victims and to the Lebanese people.

"The Security Council strongly deplores this loss of innocent lives and the killing of civilians in the present conflict and requests the Secretary-General to report to it within one week on the circumstances of this tragic incident.

"The Security Council expresses its concern at the threat of escalation of violence with further grave consequences for the humanitarian situation, calls for an end to violence, and underscores the urgency of securing a lasting, permanent and sustainable ceasefire.

"The Security Council expresses again its utmost concern at the Lebanese and Israeli civilian casualties and human suffering, the widespread destruction of civilian infrastructure, and the increased number of internally displaced persons.

"The Security Council urges all parties to grant immediate and unlimited access to humanitarian assistance.

"The Security Council deplores any action against United Nations personnel and calls for full respect for the safety and security of all United Nations personnel and premises.

"The Security Council affirms its determination to work without any further delay to adopt a resolution for a lasting settlement of the crisis, drawing on diplomatic efforts under way.

"The Security Council remains seized of the matter."

Pursuant to the request of the Security Council that the Secretary-General report to it within one week, the Secretariat hereby submits an urgent request to the Permanent Mission of Lebanon to provide all relevant information on the incident no later than 3 August 2006. The Secretariat would further request that the Government of Lebanon extend its full cooperation to the representatives of the Secretary-General on the ground who will liaise with representatives of the Government of Lebanon and the Lebanese Armed Forces.

Annex III

Note verbale dated 3 August 2006 from the Permanent Mission of Israel to the United Nations addressed to the Secretariat

The Permanent Mission of Israel to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to refer to the Presidential Statement of the Security Council (S/PRST/2006/35) dated 30 July 2006, concerning the shelling of a residential building by the Israeli Defense Forces in Kfar Qana.

Qana is the centre of Hizbullah's regional headquarters. It contains extensive weapons stockpiles, serves as a haven for fleeing terrorists, and is the source of over 150 missiles launched into northern Israel. In Qana, Hizbullah, a terrorist organization, maintains a regional command centre which has been the planning site for numerous attacks against Israel.

Since the start of hostilities, Israelis in 150 population centres have faced unprecedented danger from a barrage of missiles and attacks emanating from areas such as Qana. Like other operations, the goal of the Qana raid was to defend Israeli citizens.

Early on the morning of 30 July 2006, the Israeli Air Force attacked missile launch sites in the village of Qana. Prior to the operation, Israel publicly called on the residents to move away from the terrorists and flee from the areas where missiles were being launched. Leaflets were dropped from the air urging civilians to leave the village on account of their own safety, as Hizbullah routinely launches rockets in close proximity to residential buildings. For several days, radio announcements were also made to the public warning of a strike against Hizbullah. Israeli military activity in this area was determined on the assumption that residents had heeded the warnings and cleared out.

A number of raids were conducted on the morning of 30 July 2006, beginning at 12 midnight and continuing on through 8.30 a.m. One raid, occurring between midnight and 1 a.m., attacked the vicinity of the building in question. Inquiries into the attack, including an independent statement by the Lebanese Government hospital in Tyre, now place the number of civilian casualties at 28 and not 54, as was initially reported.

Israel focuses on targets that are distinctively terrorist targets. Israel does not target innocent civilians. While regretting the civilian casualties of this operation, Israel blames Hizbullah for manipulating and using innocent Lebanese civilians as human shields. Hizbullah terrorists have repeatedly hijacked the civilian population of southern Lebanon and taken innocent Lebanese civilians hostage as shields during terrorist activities. Israel deeply regrets the loss of human life in this conflict. The same cannot be said for the terrorist group Hizbullah. When a Lebanese child is killed, Israel mourns; when an Israeli child is killed, Hizbullah celebrates.

Concern for the lives of innocent Lebanese civilians, who are cruelly exploited by Hizbullah in its aggression against Israel, is an integral part of Israel's combat doctrine. Israel takes extreme care to minimize the harm and suffering to the civilian population, which comes at the cost of operational advantages. The leaflets dropped

urging the residents of Kfar Qana to leave reduced Israel's element of surprise, giving Hizbullah terrorists prior warning and endangering Israeli troops in the area.

Aggressions against Israel have only intensified. Yesterday, a record 230 missiles flew from southern Lebanon into Israel, bringing the total of missiles fired to over 2,000. Earlier today, 8 Israelis were killed and another 36 were injured in continuing attacks.

Annex IV

Letter dated 2 August 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

With reference to the note verbale of the United Nations Secretariat, dated 31 July 2006, I have the honour to enclose herewith some early relevant information pertaining to the Qana massacre which was made available to the Permanent Mission of Lebanon.

At the same time, I wish to convey the request of the Lebanese Government that you establish a fact-finding mission to investigate this tragic incident.

The Government of Lebanon expresses its readiness to cooperate fully with such a mission.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

[Original: Arabic]

Lebanese Republic

Ministry of Information

Report on the events of Sunday, 30 July 2006

On Monday, 31 July, day 20 of the open Israeli aggression against Lebanon, the airforce attacked areas in the south and the Bekaa, and the Lebanese army dealt with the Israeli attempt to disembark close to Al-Yammoune following three attacks on the area which targeted a Lebanese army position at Ouadi Al-Zeitouni in Baalbek as well as a civilian car in Douris.

The Israeli airforce also attacked a Lebanese army position in the area of Iqlim Al-Taffah (Nabatiye area), setting an armoured personnel carrier on fire.

Late the previous night, a civilian was killed in Tair Haifa as a result of the Israeli attacks close to the coastal port of Al-Naqoura to the south of Tyre.

Day 19 (Qana massacre) Tyre

On Sunday, 30 July, the south and the whole of Lebanon awoke to the horror of a massacre carried out by the Israeli enemy in the town of Qana in which 62 people were killed, the majority of the victims — over 40 of them — being children, including 15 who were physically or mentally handicapped, as stated by Deputy Bahiya Al-Hariri in the Lebanese Parliament.

On 18 April 1996 Qana had faced the same situation as on day 19 of Israel's open war in July 2006, one which conveyed the same "message": there is no hiding place from Israeli crimes and savagery — not the premises of the United Nations, people's homes, shelters or roads, nor are ambulances or non-military lorries sacrosanct. The same message protects the criminals from accountability and punishment and abandons the bodies of children to the most lethal of weapons, pursuing them in the playground, in the shelter, in their mothers' embrace, in the arms of their fathers and on the shoulders of their grandparents, hunting them down on the road while they attempt to flee to safety within the walls which they believe will give them protection from the disasters of two centuries, the twentieth and the twenty-first.

They were children and their families are innocent. Nevertheless, they no longer believed for, in 1996, the enemy had called on them to leave their homes under penalty of being bombed, and when they complied the enemy pursued them to the compound of the United Nations Interim Force in Lebanon and poured down on them "the Grapes of Wrath". The enemy ordered the people of Marouahine to evacuate the town and when they did so, they incinerated 24 of them who were making their escape on board a lorry. The same had happened earlier in the case of people from Al-Mansouri in an ambulance which became their coffin. For that reason, they preferred to stay in their homes and the walls, the toys and the beds were plastered with their flesh and blood.

The first Qana incident was perpetrated by the Government of Shimon Peres, a proponent of the "greater Middle East"; the second, by the Government of Ehud Olmert, ripped the children of Qana to pieces under the slogan the "new Middle

East". Of these words, the children of Qana knew only the "East" and "new", thinking of new clothes and new toys; although they were only children they dismissed middle solutions involving the "east", and for that reason they perished.

Qana, which suffered the first massacre at noon, awoke to the second one at dawn when the enemy attacked residential districts, destroying a number of homes, the largest of which was a three-storey building standing on the Qana-Hay Al-Kharija road. According to Abbas Hashim, about 60 people from the Hashim and Shalhoub families were sheltering in the building, thinking that they were safer there than in their own single-storey homes.

Ambulances and rescue workers rushed to the site and worked to lift up the debris and pull out the dead and injured but after seven hours, because of the shattered roads, despite the continuing attacks on the area and the determination to drive out the innocent, even if they were only dead and injured people, enemy aircraft attacked a Red Cross ambulance on the Qana-Tyre road and renewed their attacks on the area around the towns of Qana and Saddiqine. Throughout the hours before noon, the rescue operations were accompanied by successive attacks on the two towns and the outskirts of Deir Aamar.

The rescue workers and ambulance men had difficulty in lifting the wreckage to pull out the victims and the Red Cross called for excavators and lifting equipment. A Civil Defence official in the Tyre area also appealed for assistance in lifting the rubble and pulling out the dead and injured from the Hashim building and other residential buildings.

The victims from the Hashim family are known to include: Mahdi Ahmad Hashim, Hassan Hashim, Ibrahim Hashim, Fatima Muhammad Hashim, Ali Ahmad Hashim, Muhammad Mahdi Hashim, Ibrahim Ahmad Hashim and Ja'far Mahdi Hashim.

The victims from the Shalhoub family are known to include: Lina Muhammad Shalhoub, Nabila Ali Shalhoub, Ali Ahmad Mahmoud Shalhoub, Taysir Muhammad Shalhoub, Zeinab Ali Amin Shalhoub, Ali Ahmad Shalhoub and Yahya Ahmad Shalhoub.

In addition to the victims from those two families, the following were killed: Khadija Ali Younis, Maryam Hassan Muhsin and Ali Zeid.

The following are known to have been injured: Najru Shalhoub, Zeinab Mahmoud Yousif, Muhammad Qasim Shalhoub, Muhammad Ali Shalhoub, Hassan Muhammad Shalhoub, Khadija Ubbeid, Hiyam Hashim, Hala Ahmad Shalhoub, Zeinab Shalhoub and Iman Hussein.

At that time, the Israeli airforce was stepping up its attacks on the villages in the Tyre area concentrating on the village of Deir Aamess near Qana in order to impede the rescue operations. The enemy threatened the remaining villagers with a similar fate if they did not depart.

In the town of Deir Qanoun Al-Nahr the body of Zeinab Azz Al-Din is still buried in the rubble of the recently destroyed home of a member of the Azz Al-Din family. In the town of Saddiqine there are a number of carbonized bodies in cars that were hit by the enemy on the Al-Aasi road. In the town of Jbal Al-Botm there is still a dead body in a bombed-out building.

Annex V

Letter dated 4 August 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

With reference to my previous letter, dated 2 August 2006, I have the honour to enclose herewith additional information pertaining to the Qana massacre which was made available to the Permanent Mission of Lebanon.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

Factual report on the Carnage of Qana
30 July 2006

On July 30, 2006, the Israeli forces once again committed a war crime in the southern village of Qana. In the early hours of the same day that the civilian population of Qana was sleeping in peace, the Israeli war machinery was preserving for some of them a dark fate written with blood and sorrow, when they targeted a three-storey residential building with their missiles. The Israeli air strikes killed at least 62 civilians, more than half of them children, who found had shelter in a three-storey home in the southern village of Qana. This is the second time in a 10-year period that the village of Qana has been in state of distress and sorrow. The first was in 1996, when the Israeli forces targeted a UN compound in Qana, killing 110 Lebanese civilians. At that time, the civilian population fleeing the indiscriminate Israeli air strikes sought refuge in the UNIFIL compound, a place where they should have been safe, since they were under the protection of a UN Peacekeeping force.

On July 30, the Israeli air force struck a three-storey building in the village of Qana, where two extended families, the Shalhoubs and the Hashems, had sought shelter. According to the Mayor of Qana, the civilians had taken refuge there because the building had a reinforced basement. They were not able to flee the area because of destroyed roads and the ongoing Israeli attacks.

The first missile struck the building around 1:00 AM, and the second missile struck the building less than 10 minutes later and led to its immediate collapse. According to the Lebanese Army, at least 62 civilians, including 40 children, were crushed to death when the building fell. Among the dead were 15 children who were mentally-retarded or physically handicapped.

According to the New York Times:

> "At least eight people in the house survived, and told of a long, terrifying night. Some remained buried until morning. Others crawled free. Ms. Shalhoub sat under a tree with Mohammad Shalhoub, without his wheelchair, and three others listening to the planes flying overhead in the dark.
>
> The first missile struck around 1:00 am, throwing Mohammad Shalhoub, one of the relatives who uses a wheelchair, into an open doorway. His 5 children, ages 12 to 2, were still inside the house, as was his wife, his mother and a 10 year old nephew. He tried to get to them, but minutes later another missile hit. By morning, the rescue workers arrived, all 8 of his relatives were dead.
>
> "I felt like I was turning around, and the earth was going up and I was going into the earth," said Mr. Shalhoub, 38 starring blankly ahead in a hospital bed in Tyre.
>
> "My mouth was full of sand," Ms. Shalhoub said. She said doctors had told her family that those who died had been suffocated and crushed to death." *(New York Times, July 31, 2006).*

Rescue teams, including the Red Cross and the Lebanese Civil Defense, were unable to reach the village until 9:00 AM due to Israel's ongoing heavy bombardment of the area, and most importantly, due to the fact that the Israeli air force targeted Red Cross ambulances that were immediately rushed to Qana to help rescue the wounded. None of the bodies recovered showed that there were militants mingled among the civilians, and the rescuers found no weapons in the building that was struck.

Moreover, the Israeli forces have not presented a single piece of evidence proving that Hizbollah was present in or around the building that was struck at the time of the attack. The rescuers reported that the Israeli missile attack led to the spread of a bad-smelling gas, thus creating the suspicion that the missiles which were used were those that are internationally prohibited. According to a military expert, the missiles used in Qana weighed 1000-kg each and could be armored with a uranium-depleted head *(Al-Arabiyah)*.

Article 8 (2) (b) (i) of the Rome statute qualifies as a war crime any act that:

> "Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities."

Also, article 8 (2) (b) (ii) of the same Statute considers as a war crime any act that:

> "Intentionally directing attacks against civilian objects, that is, objects which are not military."

In Qana, the Israeli forces deliberately attacked the civilian population sheltering in an unadulterated residential area. This, without any doubt, represents a **war crime** committed against civilian population not taking direct part in the hostilities.

International Humanitarian Law differentiates between civilian and military objects. Actually, article 52 (1) of the 1977 protocol I additional to the Geneva Convention states that:

> "...Civilian objects are all objects which are not military objectives..."

Article 52 (2) defines military objectives as:

> "...Limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."

Any object that does meet those criteria is considered as a civilian object. In case there is doubt about whether a target is used for military purposes, then article 52 (3) is very clear in this respect as it stipulates that:

> "In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used."

The Israeli authorities argued that their military forces had already issued a warning to the inhabitants of the village of Qana indicating that the civilians should leave the

aforementioned village, thus considering all those who choose to remain as being affiliated to Hizbollah. This, in itself, represents a blatant violation to International Law, especially in light of the meaning of article 51 (2) of the 1977 protocol I additional to the Geneva Convention which reads as follow:

> "The civilian population, as such, as well as individual civilians, shall not be the object of attack. ***Acts or threats of violence***, the primary purpose of which is to spread terror among the civilian population, are prohibited."

Also, the Israeli authorities tried to justify their murderous act by allegedly claiming that fighters were among the civilian population. This argumentation is ill-founded, since none of the bodies recovered showed that any fighters were among the civilian population. Also, this same pretext represents a blatant violation of international humanitarian law since, article 50 (3) of the of the 1977 Protocol I, additional to the Geneva Convention, unequivocally states that:

> "The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character."

The last pretext used by the Israeli authorities as a cover up to their carnage was that many rockets were launched by Hizbollah fighters from the village and its vicinity toward Israel. This argument also represents a blatant violation of international humanitarian law, especially when considered in light of the following articles:

- Articles 51 (5) (b):

> "Indiscriminate attacks are prohibited. Indiscriminate attacks are:
>
> 5. (b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."

- Article 51 (8):

> "Any violation of these prohibitions shall not release the Parties to the conflict from their legal obligation with respect to the civilian population and civilians, including the obligation to take the precautionary measures provide for in article 57."

Such measures include refraining from launching an attack, and even canceling an attack in progress, if such an attack may be expected to cause disproportionate loss of civilian life.

Finally, based on international humanitarian law, the Israeli forces are under the constant obligation to distinguish at all times between civilians and civilian objects on one hand and military objects on the other. The issuance of a warning to the civilian population does not relieve the Israeli forces from their obligation under the rules and principles of international humanitarian law. The Israeli forces should under all circumstances give due observance to the principles of distinction and proportionality.

REPUBLIQUE LIBANAISE
MINISTERE DES AFFAIRES ETRANGERES
ET DES EXPATRIES

NO: 3740/5

Since the 12th of July, Lebanon is the target of a ferocious aggression that is disproportionate by international law standards and recognized by the international community as well as the Security Council.

According to the High Relief Committee latest toll of casualties is 863 killed, 3280 injured, 913,760 displaced of which a big number is homeless as buildings and houses were flattened to the ground.

Lebanon wishes to situate the Qana massacre among the other war crimes Israel has and is still deliberately committing in Lebanon, then give an account of the facts surrounding the massacre.

I- The Israeli Aggressions as a systematic pattern of war crimes

Israel has systematically violated international humanitarian law in its military aggressions against Lebanon.

- Israel deliberately sought to destroy the infrastructure by targeting the Beirut airport the Lebanese ports, bridges in the south, in the north violating international humanitarian law principles. The damages were estimated on the 22nd of July to be around 2bn US dollars.
- Israel is imposing a naval and air blockade of Lebanon in addition to impeding relief missions from going to South Lebanon or Bekaa valley, violating the principle of the illegality of intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies.
- Israel has repeatedly targeted relief convoys or cars. Attacks were intentionally directed against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping missions under the auspices of the United Nations (***Killing of Four U.N. Observers, July 25)***
- Israel, since the beginning of this aggression, has pursued a deliberate policy of attacking civilians whether in shelters, fleeing or wounded. Israeli forces have reportedly attacked ambulances and rescue crews as they were trying to reach victims of the bombings in addition to targeting the civil defense building in Tyre.

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- According to the Human Rights Watch, the Israeli Justice Minister, Haim Ramon, was quoted saying, "All those now in south Lebanon are terrorists who are related in some way to Hezbollah", thus giving Israel the excuse to attack any civilian who remained in any zone Israel considers to be a war zone.
- Time after time, Israel attacked civilian homes and civilian vehicles attempting to flee the besieged southern border zone, killing families without any military objective in sight consistently violating the basic customary rule regarding the protection of civilians (often referred to as the principle of distinction between civilian population and combatants).

  Examples of attacks on homes targeting civilians mainly children:

  - Killing of Thirteen Civilians in Dweir, July 13
  - Killing of Nine Civilians in Baflay, July 13
  - Killing of Twelve Civilians, Zibqine, July 13

  And as we write this report innocent victims are still under the rubble in Srifa (estimated number of forty civilians until now) as there was impossibility to reach them due to Israeli prohibition of passage.

  A dramatic example of attacks targeting fleeing civilians is the killing of twenty-one civilians who were fleeing from Marwahin on July the 15th after the Israeli evacuation warning.

All of the above constitute war crimes under international law.

Qana stands out as the most heinous war crime committed by Israel in its deliberate policy of targeting civilians.

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II- Qana massacre

Early morning of July 30, 2006, and as part of intense air raids targeting Qana village in southern Lebanon, a two-storey building that has a storage room collapsed under the impact of a direct missile and another one very close.

The corpses of twenty eight people (including 14 children) who were killed in this criminal assault were retrieved from under the rubble of the building. We suspect bodies have been unaccounted for under the rubble.

Sixteen wounded survived this attack.

Around 42 people had been hiding in this building as they considered it safer than others in the vicinity according to press correspondents.

The rescuers and the press who came to help could not proceed easily in the beginning as air raids continued and as the roads to the village were all destroyed.

In an investigation conducted by Lebanese military authorities there was no indication that rockets were launched next to the building.

Surveillance drones frequently overflow the village and as a result Israeli forces must have known about the civilians.

According to Sarah Leah Whitson, director of the Middle East and North Africa division at Human Rights Watch "the deaths in Qana were the predictable result of Israel's indiscriminate bombing campaign in Lebanon".

The Qana massacre is a war crime as international law provides that directing intentionally attacks against the civilian population or against individual civilians not taking direct part in hostilities is considered a war crime.

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Attacking or bombarding by whatever means towns, villages, dwellings or buildings which are undefended and which are not military objectives in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment and which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated, is a war crime.

Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly is a war crime.

Issuing warnings to the civilian population to leave the area does not enable Israel to claim it can be relieved from its responsibilities under customary international humanitarian law.

Therefore, Israel should be held responsible for these war crimes.

Beirut, the 19th August 2006

Annexed:

- 2 DVDs (Ministry of Information, New TV)
- 1 DVD photos
- Report by military liaison officer
- Report by Internal Security Forces
- Report by Lebanese Red Cross
- List of Victims based on the list advanced by Tyre Hospital

The arrow above indicates the location of the house where the Qana massacre took place.

- The news media showed a picture provided by Israeli television of the location from which the Israeli Army claimed the missiles were launched. The picture shown [by the media] is different from the picture above in the following respects:

  1. The location shown was flatter and not surrounded by valleys.

  2. The location shown had more houses.

- The picture above shows that it would be impossible for a missile launcher to reach the launch site because of the steepness and narrowness of the roads.

- It is also impossible to launch from the location indicated because it faces to the west and the supposed launch direction should have been to the South.

Location of the Qana massacre/Al-Khariba

[Original: Arabic]

No. 1928/MM

2 August 2006

Subject: Massacre perpetrated by the forces of the Israeli enemy in Qana

1. At 01:30 hours on 30 July 2006, Israeli warplanes attacked a two-storey building with a basement. Several citizens had taken shelter in this basement from the constant Israeli bombardment of the town.

2. An enemy aircraft fired a missile at the building, striking the roof; the building collapsed on the cellar. Another missile also struck very close to the building.

3. At 7:30 on the same day, elements of the Civil Defence, the Red Cross and the Lebanese Army headed for Qana to rescue and assist citizens. They were unable to reach the site because of the heavy presence of enemy helicopters and warplanes.

4. At 9 o'clock, rescue operations began after relief agencies and workers had contacted Lieutenant-Colonel Castiglioni of the United Nations Interim Force in Lebanon (UNIFIL) and they were able to begin rescue operations.

5. The building that was targeted is located at the edge of a valley.

6. No missile was launched from Qana or from any place near the targeted site (according to the available information).

7. Relief elements from UNIFIL intervened at approximately 14:00 hours.

8. The Israeli media reported the opinion of the commander of the Israeli Air Force, Brigadier General Amir Eshel, who attempted to obscure the picture saying: "It is possible that various things were stored inside the house, things that ultimately caused an explosion; moreover, the Army issued an estimate that explosives inside the building exploded 7 hours after the collapse of the building and led to its collapse".

9. On 2 August 2006, the newspaper *Ha'aretz* revealed doubts about the "facts presented to the press by the Israeli Army" with regard to the bombardment of the building in Qana. According to the newspaper, it emerged that no traces of missile launchers were found in the area of or inside the building targeted by Israeli aircraft. The newspaper added that the Israeli Army did not have information that Hizbollah elements were at the location. This information contradicts the claims of the Israeli Army and the pictures it showed on the media claiming to show a missile-launching vehicle entering the building in Qana in which children and their parents sheltered.

10. After the Qana massacre, a spokesman for the Israeli Army said that Hizbollah had fired mortars from near the location of the house that the Israeli Army had bombarded.

11. In another statement, the commander of the Air Force claimed that a missile had been launched from a location very near to the house that was bombarded and that that had led to the Qana massacre.

12. On 2 August 2006 an Israeli military spokesman stated on the *Ha'aretz* newspaper's website "during the course of investigations carried out by the Israeli

Army in the last two days (48-hour ceasefire), there were, apparently, no missile launchers near the site of the house that was targeted in Qana". The spokesman reiterated his regret concerning the civilian casualties at Qana.

13. Coordinates of the targeted house: 108640/142900

For your perusal.

To: The Minister for Foreign Affairs and Expatriates

General Directorate of Internal Security Forces
Office of the Director General

Report of the Director General of the Internal Security Forces on the massacre perpetrated by the Zionist enemy in the town of Qana

At 01:30 hours on 30 July 2006, warplanes of the Israeli enemy repeatedly attacked the town of Qana in the Khariba district. In two raids the planes targeted a three-story building with a basement shelter in which there were approximately 62 civilians. The raids either killed or injured the majority of those persons. There were conflicting initial reports as to the number of dead and wounded.

On 1 August 2006, the final number of dead stood at 27 (16 of whom were children), 16 wounded (3 of whom were children) and 7 persons missing.

Attachments:

Two tables indicating the number of dead and wounded in the Qana massacre

[Original: Arabic]

Lebanese Red Cross

Beirut, 3 August 2006

To whom it may concern:

In accordance with internal report No. 182/7/06, issued on 31 July 2006 by the Director of the first aid teams of the Lebanese Red Cross (LRC) on the bombardment of a building in the Qana area, and the testimony of some of the rescue workers, we can report that at 7:00 a.m. on 30 July 2006, after the artillery shelling of the Qana area, reports arrived of wounded and dead under the rubble of the building. Ambulances were dispatched immediately. As they were moving, the area was again bombarded several times, forcing the ambulances to stop until the bombardment ceased. The ambulances then started moving again and tried to reach the location of the building via several access roads, but they were unsuccessful because of the mass of rubble which prevented them from advancing and the intensity of the bombardment. We emphasize that we contacted the International Committee of the Red Cross (ICRC) to make arrangements and contacts to facilitate the rescue operation, but to no avail. However, the ambulances completed their approach and stopped approximately 600 metres from the building. The rescue workers proceeded on foot, being assisted initially by some of the residents in their attempts to remove those wounded people who could be rescued to the place where the ambulances were parked. At 8 a.m., after security assurances had been received from ICRC, the LRC ambulances were able to reach the site and evacuated and rescued eight wounded. They also transported 15 deceased persons (8 of whom were children). The operation continued until 7 p.m., when the LRC ambulances departed.

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The list of the names confirmed killed from Tyre hospital records are:

Number	Name	Age	Gender
1	Ali Ahmad Hashim	3 years	Male
2	Abbas Ahmad Hashim	9 months	Male
3	Zahra Muhammad Qasim Shalhub	2 years	Female
4	Ibrahim Ahmad Hashim	7 years	Male
5	Fatima Muhammad Hashim	4 years	Female
6	Zaynab Muhammad Ali Amin Shalhub	6 years	Female
7	Roukaya Mahmud Hachem	7 years	Female
8	Qassim Muhammad Shalhub	7 years	Male
9	Yahya Muhammad Qassim Shalhub	9 years	Male
10	Yusif Ahmad Mahmud Shalhub	6 years	Male
11	Qassim Samih Shalhub	9 years	Male
12	Ali Muhammad Kassim Shalhub	10 years	Male
13	Ja`far Mahmud Hashim	10 years	Male
14	Hussain Ahmad Hashim	12 years	Male
15	Ali Ahmad Mahmud Shalhub	17 years	Male
16	Hiba' Muhammad Qassim Shalhub	12 years	Female
17	Ula Ahmad Mahmud Shalhub	25 years	Female
18	Khadija `Ali Younes	31 years	Female
19	Maryam Hassan Muhsin	30 years	Female
20	Taysir `Ali Shalhub	39 years	Male
21	Lina Muhammad Mahmud Shalhub	30 years	Female

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22	Nabila Ali Amin Shalhub	40 years	Female
23	Atuf al-Zahad wife of Ahmad Shalhoub	45 years	Female
24	Ahmad Mahmud Shalhub	58 years	Male
25	Ibrahim Hashim	84 years	Male
26	Mahdi Mahmud Hashim	68 years	Male
27	Hasna Hashim	75 years	Female

Table of the names of those killed in the Qana massacre

Number	*Name*	*Age*
1	Hasna Hashim	75
2	Hawra' Muhammad Qasim Shalhoub	12
3	Zahra' Muhammad Qasim Shalhoub	2
4	Lina Muhammad Mahmoud Shalhoub	30
5	Nabila Ali Amin Shalhoub	40
6	'Ula Ahmad Mahmoud Shalhoub	25
7	Khadija Ali Younis	31
8	Zeinab Muhammad Ali Amin Shalhoub	6
9	Fatima Muhammad Hashim	4
10	Maryam Hassan Muhsin	30
11	Itaf al-Zabad	45
12	Ruqayya Muhammad Hashim	7
13	Ahmad Mahmoud Shalhoub	55
14	Ibrahim Hashim	65
15	Ali Ahmad Hashim	3
16	Abbas Mahmoud Hashim	9 months
17	Mahdi Mahmoud Hashim	68
18	Ibrahim Ahmad Hashim	7
19	Ja'far Mahmoud Hashim	10
20	Taysir Ali Shalhoub	39
21	Ali Ahmad Mahmoud Shalhoub	17
22	Yahya Muhammad Qasim Shalhoub	9
23	Ali Muhammad Qasim Shalhoub	10
24	Yusif Ahmad Mahmoud Shalhoub	6
25	Qasim Sameeh Shalhoub	9
26	Hussein Ahmad Hashim	12
27	Qasim Muhammad Shalhoub	7

Table of the names of those wounded in the Qana massacre

Number	*Name of injured*	*Age*
1	Noor al-Houda Muhammad Al-Hashim	13
2	Najwa Ali Shalhoub	35
3	Rabab Mahmoud Yusif	41
4	Noor Muhammad Al-Hashim	13
5	Hiyam Ibrahim Hashim	31
6	Hala Ahmad Shalhoub	26
7	Iman Hussein Dimashq	19
8	Zeinab Ahmad Shalhoub	22
9	Fatima Kamal Kamal	Unknown
10	Muhammad Shalhoub	35
11	Ahmad Ibrahim Hashim	42
12	Muhammad Ali Shalhoub	41
13	Hassan Muhammad Shalhoub	4
14	Muhammad Qasim Shalhoub	37
15	Ali Musa Hashim	23
16	Jawad Ali Hashim	34